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January 31, 2024

Honorable Valeri E Caproni
United States District Judge
United States Courthouse
40 Foley Square
New York, New York 10007

Re: United States v William Washington
S9 21 Cr. 603 (VEC)

Dear Judge Caproni:

I write on my client Defendant William Washington's ("Washington") behalf pursuant to the Court's Order dated January 28, 2024, to report as follows:

First, I have consulted with Washington to determine the precise relief he is seeking. He is seeking from the Court an Order directing the following:

- a. Appointing new counsel to represent Washington pursuant to the Criminal Justice Act on the ground that: (1) a conflict exists between Washington and his counsel because, among other things, counsel is refusing to consider making a motion to vacate Washington's guilty plea; and (2) a breakdown in the attorney-client relationship exists making effective communication impossible;
- b. Permitting Washington to have direct e-mail communication with the Coordinating Discovery Attorney ("CDA") supervised by CJA counsel to ensure Washington's effective management and supervision of discovery;
- c. Permitting Washington to withdraw existing Objections to the first draft of the PSR and to submit new objections with the advice of new counsel, including certain objections emailed to defense counsel prior to the circulation of the first draft of the PSR that were not forwarded by defense counsel to the Department of Probation.

Second, on the issue of Washington's intentions regarding his guilty plea, Washington requests that new counsel be appointed to assist him with the making of any such motion.

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Third, regarding the Order to Show Cause, Washington consents to the unsealing and docketing of his and his counsel's *ex parte* communications with the Court, but opposes the unsealing and docketing of the attachments to his *ex parte* communications.

Defense counsel takes the following positions on the relief sought by Washington:

On the issue of the appointment of new CJA counsel to substitute for present defense counsel, Defense counsel consent to Washington's motion to have new counsel appointed because withdrawal can be accomplished without material adverse effects on Washington's interests, currently a sentencing proceeding, and defense counsel cannot carry out the representation effectively.

On the issue of Washington's desire to have direct email communications with the CDA, I have communicated with the CDA and write to inform the Court that the CDA has not received or responded to any direct communications from my client. As noted, Washington opposes this procedure and seeks to directly communicate with the CDA. Defense Counsel take no position but upon information and belief, we believe the CDA currently is not permitted to have direct communications with the clients of defense counsel.

On the issue of submitting additional objections to the PSR, we note that a final PSR has not yet been filed, and an extension should be granted to Washington to file additional objections to the PSR with the advice of new counsel, should he wish to proceed with sentencing and not move to vacate his guilty plea.

Regardless of whether the Court appoints new counsel, an adjournment of sentencing is required because of Washington's concerns with specific discovery requests for materials he deems relevant to sentencing and defense counsels' need to obtain from Mr. Washington and others additional relevant materials in connection with sentencing as set forth in the letter motion dated January 28, 2024. The complete breakdown in communication has delayed the preparation of a sentencing submission on Washington's behalf.

I submit with this update a proposed transportation order in connection with my client's appearance on February 6, 2024.

Respectfully,

A handwritten signature in black ink, appearing to read "Scott B. Tulman", with a stylized flourish at the end.

Scott B. Tulman

SBT:

cc: AUSAs Ryan Finkel, Daniel Nessim
Emma Greenwood, Esq.